LAKE COUNTY ENFORCEMENT WORK PLAN
2006/2007

County Resources

- An Agricultural Biologist Inspector III works in the Pesticide Use Enforcement Program (PUE) 70% of the time.
- The Agricultural Commissioner works in the PUE program 30% of the time.
- To accomplish the core enforcement program workload, it would require another staff person to spend 50% of their time on the PUE program.
- No additional staff is currently trained to perform PUE.

A. Restricted Materials Permitting

Permit Evaluation

- Approximately 100 restricted materials permits are issued annually.
- Permits are issued for guthion, 2, 4-D, gramoxone, strychnine, telone, zinc phosphide, aluminum phosphide, and methyl bromide. The most commonly used restricted materials are guthion, gramoxone, 2, 4-D, and strychnine.
- Permits are only approved and issued by an Agricultural Biologist Inspector III (97%) and the Agricultural Commissioner (3%).
- New permittees are prescreened for hazards necessitating possible denials. They are also informed of the requirements to pass the private applicator certification examination prior to the issuance of a Restricted Material Permit (RMP).
- The county administers the private applicator certification examination. Permittees are encouraged to call the office at least the day before they want to take the examination due to staffing availability. However, the examinations can be proctored at any time during the workday pending staff availability. It takes about one hour to take the examination.
- Current private applicator certification holders are expected to accumulate the necessary hours to renew their private applicator certification cards or they must take the examination. The Agricultural Commissioner tracks the continuing education hours for all certificate holders, provided we receive the information. The information we receive is required to be on a document generated from an accredited source.
- Permittees are encouraged to make an appointment prior to the issuance of a permit due to staffing availability and certification requirements. However, if a licensed

inspector is available, a permit could be issued without an appointment. Permit issuance takes approximately one hour.

- During the issuance of the permit, we examine the properties that are adjacent to the permittee's property to determine if there would be any potential adverse environmental impacts or health effects if a restricted material were applied. The following resources are used to do this:
    - Review of our GIS generated county map.
    - Discussion of applicable pesticide laws and regulations.
    - Knowledge of the local area (i.e. pesticide complaints and sensitive areas).
- Permits are entered into the Restricted Material Permit Program (RMPP) and printed out for a signature. If the computer is not working, we will issue a permit using form PR ENF125. It will be entered in the computer at a later date and reissued to the permittee.
- Permits are issued to the operator of the property or their authorized representative (an employee, farm management firm or Pest Control Advisor (PCA). Non-ag permits can be issued to a pest control business.
- A letter of authorization is required for issuance to someone other than the operator of the property.
- Permits are valid for one to three years, based on Section 14007 in the Food and Agricultural Code. All permits expire on December 31 of their final year. Some permits are valid for up to two years based on their Qualified Applicator License (QAL) or Qualified Applicator Certificate (QAC) expiration date. A copy of the QAL or QAC card is in the permittees file. One-year permits are issued to permittees that have a poor compliance record.
- Permits are denied if the applicant isn't qualified or the pesticide is too hazardous to be used because of the adjacent environment. Permit denials are documented.
- All agricultural permits are site specific and maps are required.
- Sites are identified by an eight digit alphanumeric system. The first five digits and letters identify the location(s) on the map and the last three digits are a portion of the permit number.
- Sensitive areas such as residences, schools, nursing homes, creeks, etc. are identified on the maps.
- The following handouts are reviewed with the permittee at the time of issuance:
    - County permit conditions (i.e. General conditions, Notice of Intent (NOI), Phenoxy herbicides, Gramoxone)
    - Instructions on completing the Pesticide Use Report (if needed).
    - In house handler training sheet
    - In house fieldworker training sheet
    - Pesticide Safety Information Series (PSIS) A or N
    - "It's as simple as PPE" (DPR handout)
    - "What to say before you spray" (DPR handout)
- For permit amendments, a notation is made on the permit for small changes, while larger more significant changes require the permittee to sign and date the amendment.
- Permit/certification renewals usually occur from late December through March.

- A pesticide enforcement newsletter is mailed to every permittee in November. A portion of this newsletter addresses permit/certification issues.
- There are two scheduled continuing education/training sessions in December where permit/certification issues are addressed.
- For renewals, prior year permit files are reviewed for Pesticide Use Reports (PUR's) issues and inspections to determine any potential problem areas.

Strengths

- Currently, there is a low level of ag-urban interface issues.
- There is a low level of cropping pattern problems.
- Historically, there have been few to no instances of permit denials due to potential adverse environmental impacts.
- Specific permit conditions are generally never required due to the cropping patterns and types of restricted materials used.
- We use GIS maps to improve mapping accuracy.
- We issue a pesticide enforcement newsletter that incorporates permit topics.
- We have two continuing education/training sessions each year that discuss permit topics.

Weaknesses

- Since permits are issued for up to three years, changes in the permit sometimes are not reflected. For example, changes in qualified personnel (QAL, QAC, PAC) or permanent crops that are removed or planted.
- The pesticide program was impacted when our primary inspector worked as the office secretary 50% of the time from February through June, 2006.

Corrective Actions

- Lake County will continue to review the permits to insure the following:
  - That changes in qualifed personnel are recorded on the permit.
  - There are current letters of authorization for ranch managers.
  - There are current private applicator certificates in grower files.
  - All compliance and enforcement actions for the last three years is included in the permit file.
  - Compliance problems since the last permit was issued are discussed with the applicant prior to issuing the new permit.
  - Permit issuance is limited to the Agricultural Biologist Inspector III assigned that duty and the Agricultural Commissioner.

Goals or Objectives

- Assure that the evaluation process for restricted materials permit applications are thorough and consideration is given to all aspects of risk assessment through the use of updates and improvements to the permit information necessary to make sound determinations on potential adverse effects.

Deliverables

- At our annual continuing education meetings and in our newsletter, we will emphasize the need to inform our office of any changes in the permit. In addition, when we process PUR's and if we notice an increase in the maximum acres, we will ask the permittee to verify that the increased acreage is correct. Changes in qualified personnel will be noted during headquarter inspections. We will also advise the permittee that if we are not kept informed of any significant changes, we may go back to one-year permits.
- Prior to the permit issuance season, staff will review every permittees file. This will determine, in advance, any problems prior to them coming in for their renewal.

Measure Success

- At the end of FY 2006/2007, permits that are expiring will be accurate in regard to critical information such as ranch managers and site acreage.
- By December 15th of each year, a licensed staff member will review every permit that expires at the end of the year for the level of compliance.

Site Monitoring Plan Development

- There are approximately 420 annual sites.
- There were 51 NOI's received in FY 2003/2004. There were 29 NOI's received in FY 2005/2006. Due to the reduction in guthion use and pear acreage, the number of NOI's continues to drop significantly.
- 24-hour NOI's are required except for emergencies which can only be approved by the Agricultural Commissioner or the Deputy Agricultural Commissioner.
- NOI's are accepted by telephone, fax, or in person and are monitored between 8 am and 5 pm, Monday through Friday.
- After hours, the NOI's are picked up by voicemail. No NOI's are picked up by staff on the weekends.
- An Agricultural Biologist Inspector III reviews the NOI log periodically to assure consistency with the permit and to insure that it contains the required information.
- The majority of NOI's are for the following restricted materials/crops:
    - Guthion for pears, received late April through early July.
    - Gramoxone for grapes and pears, received February through July.
    - 2, 4-D for grapes, pears, oats and pastureland, received from January through early March.

    - Strychnine and aluminum phosphide are used sparingly in various crops, received from April through October.
    - Fumigants like vapam, methyl bromide and telone are used once or twice per year by strawberry growers and nursery growers.
- NOI's are reviewed by an Inspector III or the Agricultural Commissioner.
- Sites to evaluate are based on:
    - Local conditions
    - Applications near residences
    - Environmental conditions with respect to cropping patterns and natural environments nearby
    - Hazard of pesticide use by crop
    - Compliance histories
    - Employee handlers
    - Previous denials
- Pre-application site inspections are performed as resources allow. At least 5% of all NOI's are pre-sited.
- All nonagricultural permits are required to submit an NOI. There has to be at least one inspection during the year of these sites. This usually occurs shortly after they receive a permit.

Strengths

- There are a few types of restricted materials used on a few crops.
- There are minimal changes to adjacent environments of sites to be monitored.
- When NOI's are submitted, we check that they are complete and consistent with the permit.
- We check to see that the PCA is registered with the county.
- We review the recommendation when performing a pre-application site inspection.
- At least 5% of the NOI's are pre-sited and 100% of field fumigations are pre-sited. 100% of all restricted material applications adjacent to the Big Valley Rancheria are pre-sited.

Weaknesses

- Due to staffing shortages and multi-tasking during the growing season, a portion of the NOI's are not reviewed prior to the application.
- The NOI phone/fax line is not monitored during the weekend due to staffing shortages.

Corrective Actions

- Lake County hired a full-time secretary so the primary pesticide use enforcement inspector is no longer spending 50% of their time as the office secretary.

- Growers will continue to be informed that weekend NOI's are to be turned in by 3:00 pm on Friday. This will be done through the annual newsletter and grower classes. Growers that don't follow this protocol will be contacted as soon as possible.

Goal or Objective

- Assure that site-monitoring for restricted material use is effective, preventative and comprehensive, taking into consideration the following risk factors:
    - Pesticide hazards associated with:
        - 2, 4-D
        - Gramoxone
        - Guthion and lannate
        - Strychnine and zinc phosphide
        - Telone, methyl bromide, and vapam
    - Local conditions
        - New residential developments within the ag-urban interface
    - Cropping patterns
    - Compliance Histories
        - Employee handlers
        - Permittee
        - Pest Control Advisors

Deliverables

- To insure that the NOI's that are submitted are complete and consistent with the permit.
- To check that the PCA is registered with the county.
- To continue to review the recommendation when performing a pre-application site inspection.
- To continue to do at least 5% pre-application site inspections when NOI's are submitted.
- To continue to do 100% pre-application site inspections in regards to field fumigations and applications of restricted pesticides adjacent to the Big Valley Rancheria.

Measure Success

- At the end of FY 2006/2007, be able to show that there were at least 5% pre-application site inspections when NOI's were submitted.
- At the end of FY 2006/2007, be able to show that there were 100% pre-application site inspections in regards to field fumigations and applications of restricted pesticides adjacent to the Big Valley Rancheria.

- At the end of FY 2006/2007, be able to show that the NOI's were complete and consistent with the permit.
- At the end of each month, staff will record when the PUR was submitted following an NOI submittal.

B. Compliance Monitoring

Comprehensive Inspection Plan

- Inspections are performed by an Agricultural Biologist Inspector III (90%) and the Agricultural Commissioner (10%).
- Ideally, the goal is to inspect every pear, wine grape and walnut permittee with employees one time per year. Follow-up inspections would be performed if there were any non-compliances. Ideally, the follow-up inspections would be performed within that same growing season (if we receive additional NOI's). Most non-compliances that are noted are corrected at the time of the inspection if it's a lack of PPE, eyewash, or decontamination facilities at the site.
- Application inspections are performed between 5:00 am to 5:00 pm, Monday through Friday (some Saturdays). Between November and April, inspections usually take place from 8:00 am to 5:00 pm. Between May and October, most inspections take place from 5:00 am to 11:00 am. The Agricultural Commissioner occasionally performs inspections on Saturday morning. The only inspections that the applicator is notified in advance are areas with large tracks of land and locked gates (i.e. Forest applications).
- Most applications take place in pear and walnut orchards and vineyards. When planning application and fieldworker inspections, we primarily concentrate in the Big Valley, Scotts Valley, Upper Lake and Lower Lake areas. Other areas that we look for inspections are Clearlake and Middletown.
- Generally, wine grape inspections occur from February through July. Most inspection activity takes place from April through July. These inspections can occur throughout the county except the northern third of the county. However, the majority of acres can be found along the Highway 29, 53, and 20 corridors.
- Generally, pear inspections occur from February through July. Most inspections take place from March through June. These inspections are concentrated in the Big Valley, Scotts Valley, and Upper Lake areas.
- Generally, walnut inspections occur from June through August. Pesticide applications are erratic and it's not uncommon to have no applications during the year. Walnut pesticide applications can occur throughout the county except the northern third. Most of the acreage is in the Big Valley, Upper Lake and Clearlake areas.
- Targeted inspections are prioritized by the following:
    - Applicator compliance history
    - Employee handlers
    - The proximity to sensitive areas
    - The length of time since the previous inspection
    - The use of restricted materials (especially organophosphates)

    - The potential for environmental or human hazards as it applies to the pesticide's toxicity level
    - 100% of the field fumigations are inspected
- Employers of pesticide handlers and/or fieldworkers are given the DPR handout, "Pesticide Safety. It is the Law", if there are any non-compliances noted during the inspection.
- Field worker inspections involve vineyards and pear orchards. They usually take place between May and June.
- Headquarter inspections are scheduled and can take place at any time of the year. Compliance inspections are done for permittees that have never been inspected or at least not in the last 10 years. An official inspection would be done the following year. The frequency of headquarter inspections is every two to three years depending on the level of compliance. However, if there are numerous non-compliances, these inspections are yearly. Follow-up inspections are done within one month of any non-compliances that could not be corrected at the time of the inspection.
- Grower/PCB headquarter inspections are prioritized as follows:
    - Restricted pesticides are used and employees are involved in the applications.
    - Non-restricted pesticides are used, but the pesticides have signal words of danger or warning, and employees are involved with the applications.
    - Non-restricted pesticides are used and the pesticides are in the "caution" category and employees are applying them.
    - Owner operator applications.
- Pesticide dealer, pest control business and pest control advisor audits can take place at any time of the year. These are done on an annual basis. Follow-up inspections are done within one month of any non-compliances that could not be corrected at the time of the inspection.
- Structural fumigation inspections are done on every Pest Control Business (PCB) at least once per year, depending on any non-compliances.
- Branch 2 and Branch 3 structural inspections are done if there is available staffing and if they can be seen working. These inspections are usually scheduled.
- Maintenance gardener inspections are done if there is available staffing and if they can be seen working. These inspections can be done in urban areas from March through June.
- To insure the proper level of compliance in pesticide use reporting, every November we audit our grower files to determine if there was possible under reporting or no reports during the growing season. Following the audit, we audit local pesticide dealers records to see if any pesticides were purchased during the year. If so, a compliance letter is sent and the growers are asked to send in any PUR's or sign a statement that they did not use any pesticides that growing season.
- To insure the proper level of compliance in pesticide use reporting for pest control businesses, we track their PUR's on a monthly basis.
- To assist growers in compliance with the pesticide laws and regulations, we publish and mail to each grower, a pesticide enforcement newsletter. In addition, we have two grower meetings per year where pesticide laws and regulations are discussed.

There is a discussion about the non-compliances that were encountered that year. We also review their level of compliance when they obtain their pesticide permit.

- The Agricultural Commissioner periodically monitors in the field to ensure accuracy.
- This is a summary of the inspections performed in FY 2005/2006:
  - There were a total of 38 application inspections; 23 had no no-compliances and 12 had non-compliances. This is a compliance level of 61%. However, comparing compliances to non-compliances, there were 1,037 compliances and 27 non-compliances. This is a compliance level of 97.5%. The application problem areas include the following:
    - FAC section 12973 – Labeling, PPE (7)
    - 3CCR section 6738 – Regulations, PPE (6)
    - 3CCR section 6734 – Decontamination facilities at site (6)
    - 3CCR section 6736 – Coveralls, "Danger/Warning" (2)
    - 3CCR section 6726 – Emergency medical care posting (2)
    - 3CCR section 6434 – NOI submitted
    - 3CCR section 6724 – Handlers(s) trained
    - 3CCR section 6678 – Service container labeling
  - There were a total of 24 mix/load inspections performed in FY 2005/2006. 19 had no non-compliances and 5 had non-compliances.This is an 80% compliance level. However, comparing compliances to non-compliances, there were 665 compliances and 7 non-compliances. This is a compliance level of 99%. The mix/load problem areas include the following:
    - 3CCR section 6738 – Regulations, PPE (3)
    - FAC section 12973 – Labeling, PPE (2)
    - 3CCR section 6734(c) – Eye wash immediately available
    - 3CCR section 6726 – Emergency medical care posting

  - There were a total of 20 grower headquarter inspections performed in FY 2005/2006. 12 had no non-compliances and 8 had non-compliances. This is a compliance level of 60%. However, comparing compliances to non-compliances, there were 658 compliances and 22 non-compliances. This is a compliance level of 97%. The headquarters problem areas include the following:
    - 3CCR section 6724(e) – Records available, 2 years, training (3)
    - 3CCR section 6723.1 – Application specific information/handler (2)
    - 3CCR section 6761.1 – Application specific information/field workers (2)
    - 3CCR section 6764 – Field worker trainer (2)
    - 3CCR section 6674 – Pesticide storage posting (2)
    - 3CCR section 6623 – Operator ID number, 2 years (2)
    - 3CCR section 6618 – Notice prior to application
    - 3CCR section 6624 – Pesticide use records, 2 years
    - 3CCR section 6626 – Pesticide use reports submitted
    - 3CCR section 6676 – Pesticide containers, labeled
    - 3CCR section 6723 – Hazardous communication/handler
    - 3CCR section 6724(d) – Written training program
    - 3CCR section 6738(h) – Medical condition statement, respirator

- 3CCR section 6728(a) – Pesticide use records retained, 3 years, medical supervision program

- There were a total of 8 fieldworker inspections. 7 had no non-compliances and one had a non-compliance. This is a compliance level of 87.5%. However, comparing compliances to non-compliances, there were 87 compliances and one non-compliance. This is a compliance level of 99.8%. The fieldworker problem area is 3CCR section 6761; hazard communication, A-9.
- There were a total of 3 agricultural pest control headquarter inspections. Two had no non-compliances and one had 2 non-compliances. This is a compliance level of 66%. However, comparing compliances to non-compliances, there were 82 compliances and 2 non-compliances. This is a 97.5% compliance level. The problem areas were 6738(h)(3) and 6738(h)(6). Both of these non-compliances involved records required for the respiratory protection program.
- There were a total of 4 pest control advisor record inspections with no non-compliances. This 100% compliance level equals 36 compliances on the inspection forms that were reviewed.
- There was one pesticide dealer records inspection with no non-compliances. This 100% compliance level equals 14 compliances on the inspection forms.
- There were 2 field fumigation inspections with no non-compliances. This 100% compliance level equals 72 compliances on the inspection forms.
- There were 2 structural fumigation inspections with no non-compliances. This 100% compliance level equals 82 compliances on the inspection forms.
- There were 3 structural pest control inspections. Two had no non-compliances and one had a non-compliance. This is a compliance level of 66%. However, comparing compliances to non-compliances, there were 74 compliances and one non-compliance. This is a compliance level of 99%. The only non-compliance was 3CCR section 6726, emergency medical care posting.
- There were 2 structural pest control headquarter inspections with no non-compliances. This 100% compliance level equals 56 compliances on the inspection forms.

Strengths

- The experience of the staff performing enforcement allows for an intimate familiarity with pesticide usage and cropping patterns in the county.
- A targeted inspection plan that allows us to concentrate on problem areas.
- The frequency inspection schedules allow for effective identification and enforcement action of non-compliances.
- The centralized locations of pears in the county helps us reduce the travel time and allows for more inspections.
- The measures used to ensure that the PUR's are submitted for pesticide use allows us to be at the 90% to 95% compliance level.
- The use of grower meetings, newsletters and review of compliance levels when permits are renewed reduces the number of non-compliances.

- When restricted material permits/operator identification numbers are issued, the grower receives a copy of the ENF Letter 06-08 entitled, "Employer and Business Pesticide User Compliance Guide."

Weaknesses

- Based on the criteria of having perfect inspections, not taking into account the number of compliances versus non-compliances, there were several types of inspections that were at or below the 80% compliance level. These include: application, mix and load, grower headquarters, agricultural pest control headquarters, and structural pest control inspections.
- In FY 2005/2006, there were 9 application/mix and load inspections involving restricted pesticides. There were 29 NOI's filed that fiscal year. There were no application/mix and load inspections involving guthion. There were 10 guthion NOI's filed that fiscal year.
- From March to June in FY 2005/2006, there were a lot of Glassy-Winged Sharpshooter inspections, out-of-state nursery shipments to inspect, detection trapping, weed eradication projects and preparing the annual crop report. Due to the small staff, no secretary for 5 months, and the necessity to multi-task during the peak time of pesticide applications and field worker activity, the following pesticide enforcement activities were impacted:
    - There were no inspections on maintenance gardeners.
    - There were few branch 2 and 3 structural inspections in the field.
    - Timely follow-through application inspections were a problem.
    - There were little or no inspections on the weekends.
    - The number of field worker inspections were reduced.
    - Out lying vineyards may not have been inspected due to travel time.

Corrective Actions

- Prioritize inspections on growers/pest control operators that had non-compliances in FY 2005/2006 to eventually increase the compliance level.
- Follow the Enforcement Response Policy when taking enforcement action. This will eventually decrease the number of non-compliances.
- Target restricted pesticides and especially guthion applications for application/mix and load inspections.

Goals or Objectives

- Assure that compliance monitoring is effective and comprehensive, ensuring the safety of pesticide handlers, fieldworkers, the public, and the environment through the use of an inspection strategy that has a measurable effect on compliance improvement.

Deliverables

- Continue to increase the number of application inspections involving restricted pesticides.
- Maintain the frequency of grower headquarter inspections and pesticide dealer, PCA and PCB audits.
- Maintain targeted inspections for situations where violations have occurred in the past or have the potential to occur. Applications near the Big Valley Rancheria are considered to be a high priority.
- Monitor all orchard (blast) sprayer applied restricted material applications made by Adobe Creek Orchards on site KV08P030 due to numerous spray drift complaints made by the Big Valley Rancheria in FY 2004/2005.
- Increase targeted inspections when necessary for repeat violations.
- Maintain the number of application, mix/load inspections at 50 for applications and 25 for mix/loads. Maintain the number of field worker inspections at 15 and the number of grower headquarter inspections at 20.
- Continue to have two grower meetings per year and publish a pesticide newsletter addressing pesticide laws and regulations.
- Continue to review the grower files are the end of the year to ensure that the PUR's are being submitted.
- These deliverables should eventually reduce the number of non-compliances and raise the pesticide use enforcement program above the 80% compliance level.

Measuring Success

- Compare the number of inspections in FY 2005/2006 to FY 2006/2007
- Compare the compliance rate of application, mix/load and fieldworker inspections in FY 2005/2006 to FY 2006/2007.
- Compare the follow-up level in FY 2005/2006 to FY 2006/2007.

Investigation Response and Reporting Improvement

- Pesticide-related investigations are conducted by an Agricultural Biologist Inspector III (90%) and the Agricultural Commissioner (10%).
- Complaints are received by the secretary and recorded on an in-house form.
- Once received, they are given to an Agricultural Biologist Inspector III or the Agricultural Commissioner or the Deputy Agricultural Commissioner.
- All complaints or incidents that may be related to pesticides are responded to and the results are documented on complaint forms or investigative reports.
- All investigations and complaint reports are reviewed and approved by the Agricultural Commissioner once completed.
- Before an investigation is started, plans are made on how to proceed. These plans usually include the following:
    - A list of elements is created for each possible violation.
    - A list of persons who need to be interviewed is made.
    - A list of the type of samples and/or other evidence necessary to prove particular elements of each possible violation is made.

    - A list of probable follow-up inspection activities is made.
    - A brief summary describing possible violations, current findings and planned activities and a list of people who may need to be provided with periodic updates. This summary would be done if it was a priority episode investigation.
- Priority investigations are initiated within two working days and a preliminary update is submitted to DPR within 15 days.
- Almost all investigations are completed within 120 days unless it takes a longer than normal time for the CDFA laboratory to process the samples or the principal witnesses are unavailable to interview.
- In FY 2005/2006 there were eight investigations/complaints:
    - There was one priority investigation.
    - There were three non-priority investigations.
    - There were four complaints.
- All the investigations were completed within the DPR time frame.
- All the investigations were complete and none were returned for lack of additional information or supporting documentation.

Strengths

- All the investigations were completed within the DPR time frame.
- All the investigations were complete.
- Our investigative response and reporting has resulted in the following:
    - Were effective in providing awareness for worker health and safety issues.
    - Were conclusive in explaining why or how the episode occurred.
    - Allowed us to take appropriate enforcement action when casual violations were discovered.
    - Allowed us to take preventative measures at the applicator/business/local program level.

Weaknesses

- None at this time.

Corrective Actions

- None at this time.

Goal of Objective

- Maintain implementation strategy of current investigative response with regard to timely initiation and completion of all priority and non-priority investigations.
- Maintain implementation strategy of current investigative response with regard to use of existing violation analysis and high quality in investigative thoroughness and report accuracy.

Deliverables

- Investigations are initiated and completed in the established time frame.
- Investigation reports that are accurate and complete.
- Investigative sampling is done according to the DPR's sampling procedure guidelines.

Measure of Success

- At the end of FY 2006/2007, the investigations will be reviewed to determine if some were returned or were incomplete.
- At the end of FY 2006/2007, the NOPA's that were not upheld by the hearing officer due to lack of supporting information will be reviewed.

C. Enforcement Response

Enforcement Response Evaluation

- All actions are discussed with the Agricultural Commissioner prior to implementation.
- Compliance actions are prepared by an Agricultural Biologist Inspector III or the Agricultural Commissioner.
- Enforcement actions are prepared by an Agricultural Biologist Inspector III.
- All actions are reviewed and signed by the Agricultural Commissioner.
- Review of the last three years shows that all enforcement actions commenced within one year of the occurrence of the violation.
- The pesticide enforcement response policy is followed to determine the most appropriate action when violations are identified.
- For civil penalty actions, the fine guidelines in CCR Section 6130 are followed.
- All NOPA's provide respondents with detailed information on alleged violations, proposed fine level, and their right for an opportunity to be heard.
- A Pesticide Enforcement/Compliance Action Summary is prepared for every action taken and submitted to Department of Pesticides Regulations Headquarters when the case is closed.
- Copies of inspection reports and actions are maintained in OID/permit or PCB files.
- The number of NOPA's has increased 100% from FY 2004/2005 to FY 2005/2006.

Strengths

- Limited chain of command within this office allows for timely review and approval of actions taken.
- Maintaining copies of reports and actions within individual files allows for review of the violator's history and selection of the most appropriate action for the violation(s).

- The use of compliance and enforcement actions as tools to improve compliance. Lake County follows the Pesticide Enforcement Response Policy when making enforcement decisions.

Weaknesses

- Enforcement actions usually occur several months following an inspection due to staffing shortages.

Corrective Actions

- Attempt to get another licensed inspector to free up the pesticide use enforcement inspector from other duties to allow them more time for enforcement work.

Goal or Objective

- Provide a swift, consistent and fair response to non-compliances that results in future compliance by the respondent while working to maintain the respect of the regulated industry as well as maintaining the integrity of this office.

Deliverables

- Follow the Pesticide Enforcement Response Policy when making enforcement decisions.

Measure Success

- At the end of FY 2006/2007, review the enforcement actions taken by identifying the non-compliances that were noted in the inspections and investigations and compare them to the Pesticide Enforcement Response Policy.